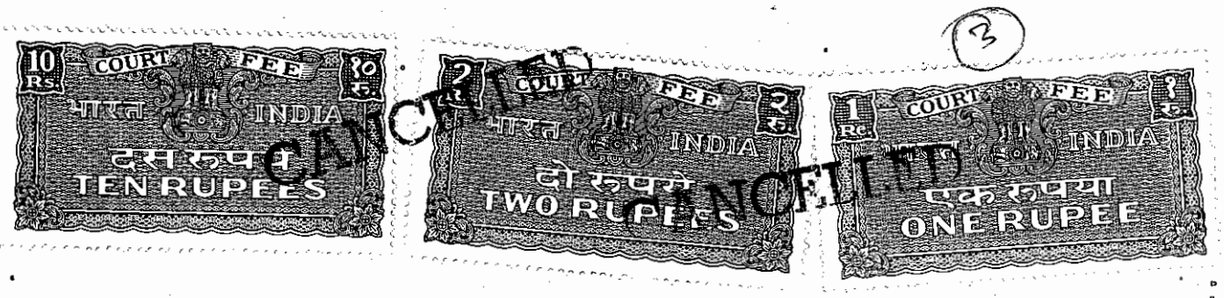

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

C.R. No. 139 **of 2003**

REVISIONER : Shyam Sundar Pandey,
aged about 44 years,
S/o Kashi Ram Pandey,
R/o 22/1 M.P. Housing
Board Colony,
Industrial Estate, Bhilai,
Tah. & Distt. Durg (C.G.)
Defendant in original suit No.
15-B/98, pending before the Court
of IVth ADJ, Durg.

VERSUS

RESPONDENT : Ram Samujh, aged about 60 years,
S/o Late Mahaveer Prasad,
R/o L.C. 27, Padum Nagar,
Bhilai-3, Tah. Patan,
Distt. Durg (C.G.)
Plaintiff in original suit No.
15-B/98 pending before Court of
IVth ADJ, Durg.

P. R. No. 2.01.03
Presented by Shri M. Shiva Prasad Beoragan
dated 23.01.03

CIVIL REVISION U/S 115 OF CODE OF CIVIL PROCEDURE 1908, AGAINST ORDER DATED 23.10.2002, PASSED BY SHREE K. DAS, IVth A.D.J., DURG IN CIVIL SUIT NO. 15-B/98.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R.No.139/2003 सन् 200

(24)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19.06.2003 Shri U.K.Pandey, counsel for the applicant. Heard. This revision is directed against the order passed by the trial Court on 23.10.2002 rejecting an application for amendment filed by the defendant under Order 7 Rule 11 of Civil Procedure Code. The office note indicates that the revision is barred by time. On the question of maintainability the learned counsel stated that as a jurisdictional error has been committed by the Court below, the civil revision is maintainable. In support of his contention he has referred to clauses (a) (b) (c) of sub-section (1) of Section 115 of the C.P.C. However, this contention cannot be accepted in view of the proviso which has been incorporated in the statute by Amendment Act 46 of 1999 which came into force with effect from 1.7.2002. This proviso clearly lays down that in the exercise of its power under Section 115 the High Court shall not vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, except	

पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(25)

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..2..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings. Admittedly, even if the prayer for amendment was allowed by the Court below, that order could not have finally disposed of the suit in favour of the revision petitioner. In this view of the matter, the revision is not maintainable and as such it cannot be entertained and, accordingly it is dismissed as such. It shall, however, be open to the petitioner, if so advised, to challenge the error, defect or irregularity in the impugned order if he feels any error, defect or irregularity has been committed by the trial Court in an appeal if an accasion so arises. M.(C).P.No.602/2003 stands disposed of. Certified copy as per rules. Sd/- P.C NAIK Judge	